

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ERVIN MIDDLETON,

Plaintiff,

v.

CARRINGTON MORTGAGE HOLDINGS, et  
al,

Defendants.

Case No. 2:16-cv-01657-RFB-CWH

**ORDER**

Presently before the Court is Plaintiff Ervin Middleton's amended motion to strike (ECF No. 21), filed on November 4, 2016. Defendant Atlantic Law Group (ALG) filed a response (ECF No. 22) on November 7, 2016. Plaintiff did not file a reply. Plaintiff requests that the Court strike Defendant's motion to dismiss for lack of jurisdiction (ECF No. 16)

Also before the Court is Plaintiff's second motion to strike (ECF No. 23), filed on November 8, 2016. ALG filed a response (ECF No. 31) on November 18, 2016. Plaintiff did not file a reply. Plaintiff requests that the Court strike Defendant Citibank N.A.'s motion to dismiss. However, Citibank N.A. is not a party to this dispute, and has not filed a motion to dismiss. The Court will construe this motion as duplicative of Plaintiff's amended motion to strike.

In his amended motion to strike, Plaintiff argues that ALG's motion to dismiss, filed on October 21, 2016, is untimely and should be stricken from the record. In support of this argument, Plaintiff cites the date that the summons was issued, September 8, 2016. However, as shown in Plaintiff's exhibit "A" to ECF No. 20, the summons was not served on ALG until September 30, 2016. Under Federal Rule of Civil Procedure 12(a), a defendant has 21 days after service to file an answer. ALG's filing was therefore timely.

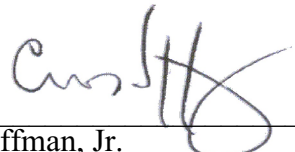
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1 IT IS THEREFORE ORDERED that Plaintiff's motions to strike (ECF Nos. 21 and 23) are  
2 DENIED.

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4 DATED: December 19, 2016.

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7 C.W. Hoffman, Jr.  
8 United States Magistrate Judge  
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